

MINUTES

IN THE UNITED STATES DISTRICT COURT FOR THE
MIDDLE DISTRICT OF ALABAMA, NORTHERN DIVISION

W. HAROLD ALBRITTON, SENIOR U. S. DISTRICT JUDGE, PRESIDING, AT MONTGOMERY, AL

DATE COMMENCED: October 12, 2006
DATE COMPLETED: October 12, 2006

AT: 10:00 a.m.
AT: 10:10 a.m.

UNITED STATES OF AMERICA

vs.

LOUIS LUNA-ARREAGA

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CR. No. 2:05cr154-WHA

APPEARANCES:

GOVERNMENT

Verne Speirs

DEFENDANT

Michael Petersen

COURT OFFICIALS PRESENT

Risa Entrekin, Court Reporter
Elna Behrman, Courtroom Deputy
Beverly Childress, Interpreter

Jo Ann Sellers, USPO
Daniel Harrell, Law Clerk

COURTROOM PROCEEDINGS

(X) SENTENCING HEARING

Hearing commences.

Interpreter is sworn.

Defendant is sworn.

Parties have reviewed the presentence report and have no objections.

Court orally GRANTS the Government's Motion for Reduction (Doc. #23).

Court adopts the factual statements contained in the presentence report.

Sentence is stated.

Defendant's counsel states an objection to the sentence as not being in compliance with the plea agreement.

Government states to the court that, although facts were uncovered after the plea agreement was signed, that it is bound by the agreement.

Court states it will not accept the plea agreement and that Defendant will be allowed to withdraw his guilty plea and go to trial.

After conferring with his client, counsel states Defendant wishes to continue with the sentencing.

Court questions Defendant as to his desire to continue.

Defendant states he wishes to continue with the sentencing.

Sentence is ORDERED imposed as stated.

Defendant is advised of his right to appeal.

Defendant is recommitted to the custody of the U. S. Marshal.

Government orally moves to dismiss Count 2 of the Indictment.

Court orally GRANTS the motion, and Count 2 of the Indictment is DISMISSED.